

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STEVEN MITCHELL LOWERY,)	
)	
Petitioner,)	
)	1:17CV1119
v.)	1:15CR376-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

JUDGMENT

On January 3, 2020, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 42, 43.) No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED AND ADJUDGED that Respondent's motion to dismiss this action for being filed beyond the one-year limitation period, (Doc. 39), is **GRANTED**, that Respondent's motion to dismiss, (Doc. 38), is **DENIED AS MOOT**, that Petitioner's motion to vacate, set aside, or correct sentence, (Doc. 33), is **DENIED**, and that this action be, and is hereby, dismissed with prejudice. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 19th day of February, 2020.

William L. Ostun, Jr.
United States District Judge